

Title 5. EDUCATION  
Division 1. State Department of Education  
Chapter 2. Pupils  
Subchapter 3. Health and Safety of Pupils

*Add Article 4.1. to read:*

**Article 4.1. Administering Medication to Pupils or Otherwise Assisting Pupils in the  
Administration of Medication During the Regular School Day.**

**§ 600. Authorization.**

Pursuant to Section 49423 and subdivision (b) of Section 49423.6 of the Education Code, any pupil who is required to take, during the regular school day, prescribed medication may be assisted by a school nurse or other designated school personnel if both of the following conditions are met:

(a) The pupil's authorized health care provider executes a written statement specifying, at a minimum, the medication the pupil is to take, the dosage, and the period of time during which the medication is to be taken, as well as otherwise detailing (as may be necessary) the method, amount, and time schedule by which the medication is to be taken.

(b) The pupil's parent or legal guardian provides a written statement initiating a request to have the medication administered to the pupil or to have the pupil otherwise assisted in the administration of the medication, in accordance with the authorized health care provider's written statement.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

**§ 601. Definitions.**

As used in Section 49423 and subdivision (b) of Section 49423.6 of the Education Code and in this article:

(a) "Regular school day" may include not only the time the pupil receives instruction, but also the time during which the pupil otherwise participates in activities under the auspices of the local education agency, such as field trips, extracurricular and cocurricular activities, before- or after-school programs, and camps or other activities that typically involve at least one overnight stay away from home.

(b) "Medication" may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

(c) "School nurse" means an individual employed by the local education agency who is a currently licensed registered nurse and is credentialed pursuant to Education Code section 44877.

(d) "Other designated school personnel" may include any individual employed by the local education agency who:

1       (1) Has consented to administer the medication to the pupil or otherwise assist the pupil in the  
2 administration of medication; and

3       (2) May legally administer the medication to the pupil or otherwise assist the pupil in the  
4 administration of the medication.

5       (e) “Authorized health care provider” means an individual who is licensed by the State of California  
6 to prescribe medication.

7       (f) “Parent or legal guardian” means the individual recognized by the local education agency as  
8 having authority to make medical decisions for the pupil.

9       (g) “Medication record” may include:

10       (1) The authorized health care provider’s written statement;

11       (2) The written statement of the parent or legal guardian;

12       (3) The medication log; and

13       (4) Any other written documentation related to the administration of the medication to the pupil or  
14 otherwise assisting the pupil in the administration of the medication.

15       (h) “Medication log” may consist of a form developed by the local education agency for the  
16 documentation of the administration of the medication to the pupil or otherwise assisting the pupil in the  
17 administration of the medication. The medication log may include the following:

18       (1) Pupil’s name;

19       (2) Name of medication the pupil is required to take;

20       (3) Dose of medication;

21       (4) Method by which the pupil is required to take the medication;

22       (5) Time the medication is to be taken during the regular school day;

23       (6) Date(s) on which the pupil is required to take the medication;

24       (7) Authorized health care provider’s name and contact information; and

25       (8) A space for daily recording of medication administration to the pupil or otherwise assisting the  
26 pupil in administration of the medication, such as date, time, amount, and signature of the individual  
27 administering the medication or otherwise assisting in administration of the medication.

28 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 44877 and 49423,  
29 Education Code.

30 **§ 602. Written Statement of Authorized Health Care Provider.**

31       (a) A local education agency may establish specifications for the authorized health care provider’s  
32 written statement in order to ensure that:

33       (1) The pupil is clearly identified;

34       (2) The medication is clearly identified;

35       (3) The dosage is clearly specified;

1       (4) The period of time during which the medication is to be taken is clearly specified.

2       (5) Other information is obtained that is relevant to administering the medication to the pupil or  
3 otherwise assisting the pupil in administration of the medication.

4       (b) A pupil's parent or legal guardian may deliver the authorized health care provider's written  
5 statement to an authorized representative of the local education agency, such as the schoolsite  
6 administrator or his or her designee.

7       (c) A local education agency may require that an amended or new written statement be provided  
8 annually and whenever there is a change in the pupil's authorized health care provider, or a change in the  
9 medication, dosage, method by which the medication is required to be taken, or date(s) or time(s) the  
10 medication is required to be taken.

11 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

12 **§ 603. Written Statement of the Parent or Legal Guardian.**

13       (a) A local education agency may establish specifications for the written statement of the pupil's  
14 parent or legal guardian in order to ensure that:

15       (1) The pupil is clearly identified;

16       (2) Permission is obtained for an authorized representative of the local education agency to  
17 communicate directly with the pupil's authorized health care provider, as may be necessary, regarding the  
18 authorized health care provider's written statement.

19       (3) The parent or legal guardian understands what employees of the local education agency will do to  
20 administer the medication to the pupil or otherwise assist the pupil in the administration of the  
21 medication.

22       (4) The parent or legal guardian understands his or her responsibilities to enable employees of the  
23 local education agency to administer the medication to the pupil or otherwise assist the pupil in  
24 administration of the medication, e.g., to ensure that a current authorized health care provider's written  
25 statement has been delivered to an authorized representative of the local education agency, or to ensure  
26 that the medication is delivered to the schoolsite in a proper container by an individual legally authorized  
27 to be in possession of the medication.

28       (5) The parent or legal guardian understands how he or she may terminate consent for administration  
29 of the medication to the pupil or otherwise assisting the pupil in the administration of the medication.

30       (b) A local education agency may provide reasonable accommodations to a parent or legal guardian  
31 who has insufficient English language proficiency to produce a written statement without assistance or  
32 who has a disability that makes it difficult to produce a written statement.

33 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

34 **§ 604. Administration of Medication to Pupils or Otherwise Assisting Pupils in the Administration**  
35 **of Medication.**

1       (a) A school nurse may administer medication to a pupil or otherwise assist a pupil in the  
2 administration of medication as allowed by law and in keeping with applicable standards of professional  
3 practice.

4       (b) Other designated school personnel may administer medication to pupils or otherwise assist pupils  
5 in the administration of medication as allowed by law and, if they are licensed health care professionals,  
6 in keeping with applicable standards of professional practice for their license.

7       (c) The pupil's parent or legal guardian may administer medication to the pupil or otherwise assist the  
8 pupil in the administration of medication as allowed by law.

9       (d) An individual designated to do so by the parent or legal guardian may administer medication to  
10 the pupil or otherwise assist the pupil in the administration of medication as allowed by law. A local  
11 education agency may establish rules governing the designation of an individual by a parent or legal  
12 guardian in order to ensure that:

13       (1) The individual is clearly identified;

14       (2) The individual is willing to accept the designation;

15       (3) The individual being designated is permitted to be present on the school site;

16       (4) Any limitations on the individual's authority in his or her capacity as designee are clearly  
17 established; and

18       (5) The individual's service as a designee would not be inconsistent or in conflict with his or her  
19 employment responsibilities, if the individual being designated is employed by the local education  
20 agency.

21 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

22 **§605. Self-Administration of Medication.**

23       With the approval of the pupil's authorized health care provider and the approval of the pupil's parent  
24 or legal guardian, a local education agency may allow a pupil to carry medication and to self-administer  
25 the medication. A local education agency may establish rules governing self-administration in order to  
26 protect the health and safety both of the pupil and of the whole student body and staff at the schoolsite.  
27 Through such rules, a local education agency may describe circumstances under which self-  
28 administration may be prohibited.

29 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

30 **§ 606. Delivery and Storage of Medication.**

31       A local education agency may establish policies governing the delivery of medication to the  
32 schools site (other than medication a pupil is allowed to carry for purposes of self-administration), as well  
33 as the storage of medication in a manner that is secure and maintains the medication's effectiveness.

34 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

35 **§ 607. Documentation.**

1 A local education agency may establish policies regarding documentation of the administration of  
2 medication to pupils or otherwise assisting pupils in the administration of medication to ensure that:

3 (a) Pupil confidentiality is appropriately maintained;

4 (b) A medication record is maintained for each pupil to whom medication is administered or other  
5 assistance is provided in the administration of medication; and

6 (c) An appropriate record is kept of pupils who are allowed to carry and self-administer medication.

7 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

8 **§ 608. Deviation from Authorized Health Care Provider's Written Statement.**

9 A local education agency may establish policies regarding any material or significant deviation from  
10 the authorized health care provider's written statement in order to ensure that, as quickly as possible upon  
11 discovery, appropriate notification of the deviation is made:

12 (a) In accordance with applicable standards of professional practice, if the discovery is made by a  
13 licensed health care professional; or

14 (b) To the schoolsite administrator, the pupil's parent or legal guardian, an employee of the local  
15 education agency who is a licensed health care professional (if any), and the pupil's authorized health  
16 care provider, if the discovery is made by an individual who is not a licensed health care professional.

17 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

18 **§ 609. Unused, Discontinued and Outdated Medication.**

19 A local education agency may establish policies regarding unused, discontinued, and outdated  
20 medication in order to ensure that:

21 (a) Such medication is returned to the pupil's parent or legal guardian where possible;

22 (b) Such medication that cannot be returned to the pupil's parent or legal guardian is disposed of by  
23 the end of the school year in accordance with applicable law.

24 NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

25 **§ 610. Applicability of this Article.**

26 Nothing in this article may be interpreted as creating a state-mandated local program or as affecting in  
27 any way:

28 (a) The statutes, regulations, or standards of practice governing any health care professional licensed  
29 by the State of California in the carrying out of activities authorized by the license;

30 (b) The statutes or regulations governing the administration of medication to pupils or otherwise  
31 assisting pupils in the administration of medication by individuals who are not licensed health care  
32 professionals, other than Section 49423 and subdivision (b) of Section 49423.6 of the Education Code;

33 (c) The use of emergency epinephrine auto-injectors pursuant to Section 49414 of the Education  
34 Code;

1        (d) The content or implementation of a pupil's individualized education program prepared in  
2        accordance with applicable provisions of federal and state law, or a pupil's Section 504 Accommodation  
3        Plan prepared in accordance with applicable provisions of the federal Rehabilitation Act of 1973.

4        NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 49414, 49423, and Part  
5        30 (commencing with 56000), Education Code.

6        **§ 611. Issuance and Periodic Updating of Advisory.**

7        The California Department of Education, with the approval of the State Board of Education, may  
8        issue and periodically update an advisory providing non-binding guidance on the administration of  
9        medication to pupils and otherwise assisting pupils in the administration of medication.

10       NOTE: Authority cited: 49423.6, Education Code. Reference: 33308.5, Education Code.

35       5/07/03